



Attorney's Docket No. W-3212

**PATENT**

Box Patent Application  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

### NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): DENNIS L. KEISER

**WARNING:** Patent must be applied for in the name(s) of all of the actual inventor(s). 37 CFR 1.41(a) and 1.53(b).

For (title): EXERCISING APPARATUS

#### 1. Type of Application

This new application is for a(n) (check one applicable item below):

- Original
- Design
- Plant

**WARNING:** Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4) unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

**NOTE:** If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

- Divisional.
- Continuation.
- Continuation-in-part (C-I-P).

(Application Transmittal [4-1]—page 1 of 7)

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#### CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date 3/15/95 in an envelope addressed as "Express Mail Post Office to Addressee" Mailing Label Number TB659336337 addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Rodney K. Worrel

(Type or print name of person mailing paper)

Rodney K. Worrel

(Signature of person mailing paper)

**NOTE:** Each paper or fee referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.10(b).

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

## **2. Benefit of Prior U.S. Application(s) (35 U.S.C. 120)**

**NOTE:** If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

- The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

## **3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application**

49 Pages of specification

15 Pages of claims (with 46 claims)

1 Pages of Abstract

9 Sheets of drawing (copies of original drawings)

formal

informal

**WARNING:** DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1990 O.G. 57-62).

**NOTE:** "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page." 37 C.F.R. 1.84(c)).

(complete the following, if applicable)

- The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)". 37 C.F.R. 1.84(b).

## **4. Additional papers enclosed**

- Preliminary Amendment
- Information Disclosure Statement (37 CFR 1.98)
- Form PTO-1449
- Citations
- Declaration of Biological Deposit
- Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- Special Comments
- Other

(Application Transmittal [4-1]—page 2 of 7)

**5. Declaration or Oath**

- Enclosed  
 executed by (check all applicable boxes)
- inventor(s).
- legal representative of inventor(s). 37 CFR 1.42 or 1.43
- joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.
- Not Enclosed.

**WARNING:** Where the filing is a completion in the U.S. of an International Application but where a declaration is not available or where the completion of the U.S. application contains subject matter in addition to the International Application the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

- Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all the above named inventor(s). (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

**NOTE:** It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41(c) and 1.53(b).

- Showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d)).

**6. Inventorship Statement**

**WARNING:** If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

- The same  
 or
- Are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- is submitted.
- will be submitted.

**7. Language**

**NOTE:** An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$130.00 required by 37 CFR 1.17(k) is required to be filed with the application or within such time as may be set by the Office. 37 CFR 1.52(d).

**NOTE:** A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

- English
- non-English
- the attached translation is a verified translation. 37 CFR 1.52(d).

(Application Transmittal [4-1]—page 3 of 7)

## 8. Assignment

An assignment of the invention to KEISER CORPORATION

is attached. A separate  "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or  FORM PTO 1595 is also attached.

will follow.

NOTE: "If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

WARNING: A newly executed "CERTIFICATE UNDER 37 CFR 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

## 9. Certified Copy

Certified copy(ies) of application(s)

(country)	(appln. no.)	(filed)

from which priority is claimed

is (are) attached.  
 will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

## 10. Fee Calculation (37 CFR 1.16)

### A. Regular application

CLAIMS AS FILED						
Number filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a)			
			\$210.00			
Total Claims (37 CFR 1.16(c))	46 - 20 = 26	X \$ 22.00	\$730.00			
				\$572.00		
Independent Claims (37 CFR 1.16(b))	2 - 3 = 0	X \$ 74.00			0	
Multiple dependent claim(s), if any (37 CFR 1.16(d))			\$240.00 \$230.00			
	1	+ \$240.00				
				\$240.00		

- Amendment cancelling extra claims enclosed.  
 Amendment deleting multiple-dependencies enclosed.  
 Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

## Filing Fee Calculation

\$ 1,542.00

- B.  Design application  
(\$290.00—37 CFR 1.16(f))

Filing Fee Calculation \$ \_\_\_\_\_

- C.  Plant application  
(\$480.00—37 CFR 1.16(g))

Filing fee calculation \$ \_\_\_\_\_

## 11. Small Entity Statement(s)

- Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached.

Filing Fee Calculation (50% of A, B or C above) \$ 771.00

NOTE: Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. 37 CFR 1.28(a).

## 12. Request for International-Type Search (37 CFR 1.104(d)) (complete, if applicable)

- Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

## 13. Fee Payment Being Made At This Time

- Not Enclosed

- No filing fee is to be paid at this time. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)

- Enclosed

basic filing fee \$ 771.00

recording assignment  
(\$40.00; 37 CFR 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION".)

petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$130.00; 37 CFR 1.47 and 1.17(h)) \$ \_\_\_\_\_

for processing an application with a specification in a non-English language. (\$130.00; 37 CFR 1.52(d) and 1.17(k)) \$ \_\_\_\_\_

processing and retention fee  
(\$130.00; 37 CFR 1.53(d) and 1.21(l)) \$ \_\_\_\_\_

fee for international-type search report (\$40.00; 37 CFR 1.21(e)). \$ \_\_\_\_\_

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid or the processing and retention fee of § 1.21(l) must be paid within 1 year from notification under § 53(d).

Total fees enclosed \$ 811.00  
(Application Transmittal [4-1]—page 5 of 7)

**14. Method of Payment of Fees**

- Check in amount of \$ 771.00 and check in amount of \$ 40.00.  
 Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. A duplicate of this transmittal is attached.

*NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).*

**15. Authorization to Charge Additional Fees**

**WARNING:** If no fees are to be paid on filing the following items should not be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 23-3185:
- 37 CFR 1.16(a), (f) or (g) (filing fees)  
 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

*NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid on these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

- 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)  
 37 CFR 1.17 (application processing fees)

**WARNING:** While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

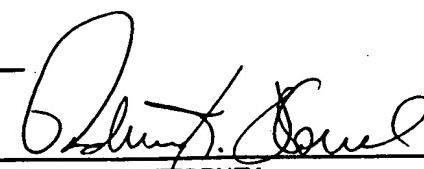
- 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

*NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).*

*NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee". From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.*

**16. Instructions As To Overpayment**

- Credit Account No. 23-3185  
 Refund

  
\_\_\_\_\_  
SIGNATURE OF ATTORNEY

Reg. No. 27,475

Rodney K. Worrel

(type or print name of attorney)

2444 Main Street, Suite 130

(P.O. Address)

Fresno, California 93721

(Application Transmittal [4-1]—page 6 of 7)

**Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

- Plus Added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s) Claimed

Number of pages added\_\_\_\_\_

- Plus Added Pages For Papers Referred To In Item 4 Above

6

Number of pages added\_\_\_\_\_

- Plus "Assignment Cover Letter Accompanying New Application"

5

Number of pages added\_\_\_\_\_

Statement Where No Further Pages Added

(If no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item:)

- This transmittal ends with this page.

Honorable Commissioner of Patents and Trademarks:

Application of DENNIS L. KEISER Filed: \_\_\_\_\_

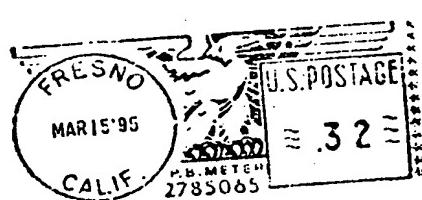
Serial No. \_\_\_\_\_ Docket No. W-3212 By r1

Entitled: EXERCISING APPARATUS

The following, due \_\_\_\_\_ in the U.S. Patent Office,  
has been received there on the date stamped hereon:

- |  |                                      |   |
|--|--------------------------------------|---|
| <input type="checkbox"/> Affidavit   | <input type="checkbox"/> Declaration | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Amendment   |                                      | <input checked="" type="checkbox"/> Oath or <input checked="" type="checkbox"/> Declaration |
| <input checked="" type="checkbox"/> Assignment                                       |                                      | <input checked="" type="checkbox"/> Power of Attorney                                       |
| <input type="checkbox"/> Brief   |                                      | <input type="checkbox"/> Priority Document  |
| <input checked="" type="checkbox"/> Check: Amount \$ <u>771.00</u> & \$ <u>40.00</u> |                                      | <input checked="" type="checkbox"/> Specification (49 pgs)                                  |
| <input type="checkbox"/> Deposit Account Order Form                                  |                                      | <input checked="" type="checkbox"/> Claims (46 claims)                                      |
| <input checked="" type="checkbox"/> Drawings <u>9</u> Sheet(s) (copies of original)  |                                      | <input checked="" type="checkbox"/> Disclosure Statement (Info.)                            |
| <input type="checkbox"/> Issue Fee Transmittal Form                                  |                                      | <input type="checkbox"/> US/RO Fee Calculation Sheet  |
| <input type="checkbox"/> Letter  |                                      | <input type="checkbox"/> Petition For Extension of Time                                     |
| <input type="checkbox"/> Fee Address Indication Form                                 |                                      | <input checked="" type="checkbox"/> Small Entity Statement(s) (2)                           |
| <input type="checkbox"/> Maintenance Fee   |                                      | <input type="checkbox"/>  |
| <input type="checkbox"/>   |                                      | <input type="checkbox"/>  |
| <input type="checkbox"/>   |                                      | <input type="checkbox"/>  |
| <input type="checkbox"/>   |                                      | <input type="checkbox"/>  |

Express Mail No. TB659336337



**WORREL & WORREL**  
Civic Center Square  
2444 Main Street, Suite 130  
Fresno, CA 93721

Honorable Commissioner of Patents and Trademarks:

Application of DENNIS L. KEISER Filed: 4/28/98

Serial No. 09/069,057 Docket No. W-3749 By r1

Entitled: EXERCISING APPARATUS

The following, due 5/13/01 in the U.S. Patent Office,  
has been received there on the date stamped hereon:

- |  |                                      |   |
|--|--------------------------------------|---|
| <input type="checkbox"/> Affidavit                                 | <input type="checkbox"/> Declaration | <input checked="" type="checkbox"/> Notice of Appeal                  |
| <input type="checkbox"/> Amendment                                 |                                      | <input type="checkbox"/> Oath or <input type="checkbox"/> Declaration |
| <input type="checkbox"/> Assignment                                |                                      | <input type="checkbox"/> Power of Attorney                            |
| <input type="checkbox"/> Brief                                     |                                      | <input type="checkbox"/> Priority Document                            |
| <input checked="" type="checkbox"/> Check: Amount \$ <u>600.00</u> |                                      | <input type="checkbox"/> Specification                                |
| <input type="checkbox"/> Deposit Account Order Form                |                                      | <input type="checkbox"/> Claims                                       |
| <input type="checkbox"/> Drawings _____ Sheet(s)                   |                                      | <input type="checkbox"/> Disclosure Statement                         |
| <input type="checkbox"/> Issue Fee Transmittal                     |                                      | <input type="checkbox"/> US/RO Fee Calculation Sheet                  |
| <input type="checkbox"/> Letter                                    |                                      | <input type="checkbox"/> Petition for Extension of Time               |
| <input type="checkbox"/> Fee Address Indication Form               |                                      | <input type="checkbox"/> Small Entity Statement(s)                    |
| <input type="checkbox"/> Maintenance Fee                           |                                      | <input type="checkbox"/> _____  |
| <input type="checkbox"/> _____                                     |                                      | <input type="checkbox"/> _____  |
| Express Mail No. _____   |                                      |   |



Law Offices  
Worrel & Worrel  
St. Croix Professional Center  
2109 W. Bullard Ave., Suite 121  
Fresno, California 93711-1258

Honorable Commissioner of Patents and Trademarks:

Application of DENNIS L. KEISER Filed: \_\_\_\_\_

Serial No. \_\_\_\_\_ Docket No. W-3749 By r1

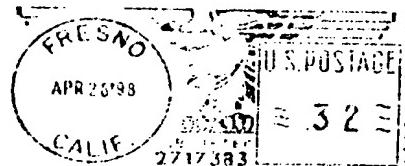
Entitled: EXERCISING APPARATUS

(Continuation Patent Appln of parent SN 08/405,494)

The following, due 4/28/98 in the U.S. Patent Office,  
has been received there on the date stamped hereon:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Affidavit                            | <input type="checkbox"/> Declaration   | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Amendment                            | (copy) <input checked="" type="checkbox"/> Oath or <input checked="" type="checkbox"/> Declaration |   |
| <input checked="" type="checkbox"/> Assignment (copy)         | (copy) <input checked="" type="checkbox"/> Power of Attorney                                       |   |
| <input type="checkbox"/> Brief \$205.00                       | <input type="checkbox"/> Priority Document   |   |
| <input checked="" type="checkbox"/> Check: Amount \$ 816.00   | (copy) <input checked="" type="checkbox"/> Specification (49 pgs)                                  |   |
| <input type="checkbox"/> Deposit Account Order Form           | (copy) <input checked="" type="checkbox"/> Claims (46 claims)                                      |   |
| <input checked="" type="checkbox"/> Drawings 9 Sheet(s)       | (copy) <input checked="" type="checkbox"/> Disclosure Statement Info.                              |   |
| <input type="checkbox"/> Issue Fee Transmittal                | (copy) <input checked="" type="checkbox"/> US/RO Fee Calculation Sheet                             |   |
| <input type="checkbox"/> Letter                               | (copy) <input checked="" type="checkbox"/> Petition for Extension of Time                          |   |
| <input type="checkbox"/> Fee Address Indication Form (copies) | <input checked="" type="checkbox"/> Small Entity Statement(s)                                      |   |
| <input type="checkbox"/> Maintenance Fee                      | <input checked="" type="checkbox"/> TRANSMITTAL OF FILING  |   |
| <input type="checkbox"/>                                      | <input type="checkbox"/> UNDER 37 CFR AMENDED  |   |
| <input type="checkbox"/>                                      | <input type="checkbox"/> 1.53(b)   |   |

Express Mail No. EM440646252US



Law Offices  
**WORREL & WORREL**  
ST. CROIX PROFESSIONAL CENTER  
2109 W. BULLARD AVE., SUITE 121  
FRESNO, CALIFORNIA 93711-1258

Honorable Commissioner of Patents and Trademarks:

Application of DENNIS L. KEISER Filed: 4/28/98

Serial No. 09/069,057 Docket No. W-3749 By rl

Entitled: EXERCISING APPARATUS

The following, due 9/13/01 in the U.S. Patent Office,  
has been received there on the date stamped hereon:

- |  |   |
|--|---|
| <input type="checkbox"/> Affidavit                                 | <input type="checkbox"/> Declaration                                  |
| <input type="checkbox"/> Amendment                                 | <input type="checkbox"/> Notice of Appeal                             |
| <input type="checkbox"/> Assignment                                | <input type="checkbox"/> Oath or <input type="checkbox"/> Declaration |
| <input type="checkbox"/> Brief                                     | <input type="checkbox"/> Power of Attorney                            |
| <input checked="" type="checkbox"/> Check: Amount \$ <u>195.00</u> | <input type="checkbox"/> Priority Document                            |
| <input type="checkbox"/> Deposit Account Order Form                | <input type="checkbox"/> Specification                                |
| <input type="checkbox"/> Drawings _____ Sheet(s)                   | <input type="checkbox"/> Claims                                       |
| <input type="checkbox"/> Issue Fee Transmittal                     | <input type="checkbox"/> Disclosure Statement                         |
| <input type="checkbox"/> Letter                                    | <input type="checkbox"/> US/RO Fee Calculation Sheet                  |
| <input type="checkbox"/> Fee Address Indication Form               | <input checked="" type="checkbox"/> Petition for Extension of Time    |
| <input type="checkbox"/> Maintenance Fee                           | <input type="checkbox"/> Small Entity Statement(s)                    |
| <input type="checkbox"/>   | <input type="checkbox"/>  |
| <input type="checkbox"/>   | <input type="checkbox"/>  |
| <input type="checkbox"/>   | <input type="checkbox"/>  |
| Express Mail No. <u>EM440646575US</u>                              |   |



Law Offices  
Worrel & Worrel  
St. Croix Professional Center  
2109 W. Bullard Ave., Suite 121  
Fresno, California 93711-1258

**Attorney's Docket No.** W-4001 (Continuation of Continuation) **PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Anticipated Classification of this application:

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior application:

Examiner: Victor Hwang

Art Unit: 3764

**Box Patent Application**  
**Commissioner of Patents and Trademarks**  
**Washington, D.C. 20231**

**TRANSMITTAL OF FILING UNDER 37 CFR 1.60(b) AMENDED 1.53(b)**

**WARNING:** A c-i-p (continuation-in-part) cannot be filed under 37 CFR 1.60.

**WARNING:** Filing under 37 CFR 1.60 is permitted only if filed by the same or less than all the inventors named in the prior application. 37 CFR 1.60(b)(3).

**WARNING:** The filing of an application at the United States stage of an International Application requires an oath or declaration. 37 CFR 1.61(a)(4).

**WARNING:** The claims of this new application may be finally rejected in the first Office action where all claims of the new application are drawn to the same invention claimed in the earlier application and would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application. MPEP § 706.07(b).

This is a request for filing a

Continuation

Divisional

Continuation

application under 37 CFR 1.60, of pending prior/application

Serial No. 09/069,057 filed on April 28, 1998

(Date)

of DENNIS L. KEISER

(Inventor(s))

for EXERCISING APPARATUS

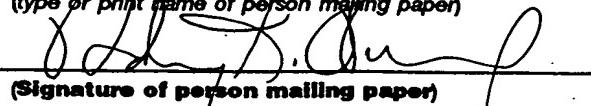
(Title of invention)

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this 37 CFR 1.60 request and the documents referred to as attached therein are being deposited with the United States Postal Service on this date August 31, 2001 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number EM440646575US addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Rodney K. Worrel

(type or print name of person mailing paper)

  
(Signature of person mailing paper)

**NOTE:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 CFR 1.10(b)).

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**NOTE:** 37 CFR 1.60 permits the omission of a declaration only if the prior application was complete as set forth in 37 CFR 1.51(a), namely, the prior application comprised at least (1) a specification, including a claim or claims; (2) a declaration; (3) drawings when necessary; and (4) the prescribed filing fee. Accordingly, as presently worded, 37 CFR 1.60 does not permit this procedure to be used where the prior application is pending but only the processing and retention fee required by 37 CFR 1.21(l) is paid or where the declaration was not filed.

## 1. Copy of Prior Application as Filed Which is Attached

**NOTE:** Under 37 CFR 1.60, practice signing and execution of the application by the applicant may be omitted provided the copy is supplied by and accompanied by a statement by the applicant or his or her attorney or agent that the application papers comprise a true copy of the prior application as filed and that no amendments referred to in the declaration filed to complete the prior application introduced new matter therein.

**NOTE:** This statement need not be verified if made by an attorney registered to practice before the PTO. (37 CFR 1.60(b)).

- I hereby verify that the attached papers are a true copy of what is shown in my records to be the above identified prior application, including the oath or declaration originally filed (37 CFR 1.60).

The copy of the papers of prior application as filed which are attached are as follows:

- 49 page(s) of specification  
 15 page(s) of claims (with 46 claims)  
 1 page(s) of abstract  
 9 sheet(s) of drawing (copies of original drawings)

(also complete part 6 below if drawings are to be transferred)

- 5 pages of declaration and power of attorney

(If the copy of the declaration being filed does not show applicant's signature, because the attorney's records do not contain a copy of the signed declaration actually filed for the application, indicate thereon that it was signed and complete the following:)

- in accordance with the indication required by 37 CFR 60(b), my records reflect that the original signed declaration showing applicant's signature was filed on \_\_\_\_\_.
- the amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 CFR 1.60(b), that this amendment did not introduce new matter therein.

## 2. Amendments

**WARNING:** "The claim of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application." MPEP § 706.07(b).

- Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

(37 CFR 4.60(b) [4-3]—page 2 of 8)

Amended 1.53(b)

- A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

NOTE: Only amendments reducing the number of claims or adding a reference to the prior application (Rule 1.78(a)) will be entered before calculating the filing fee and granting the filing date. 37 CFR 1.60(b).

NOTE: "When filing under Rule 1.60 retain at least one original claim from the patent application to assure a complete application." Notice of March 3, 1986 (1064 O.G. 37-38).

### 3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary).

(check the next item, if applicable)

- There is provided herewith a Petition To Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently).

### 4. Information Disclosure Statement

(check this item, if applicable)

- An information disclosure statement is submitted herewith.

### 5. Fee Calculation (37 CFR 1.16)

CLAIMS AS FILED				
Number filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a)	
Total			\$110.00	
Claims (37 CFR 1.16(c))	46 - 20 = 26	× \$ 22.00	\$468.00	
Independent			\$80.00	
Claims (37 CFR 1.16(b))	2 - 3 = 0	× \$24.00	0	
Multiple dependent claim(s), if any (37 CFR 1.16(d))		+ \$270.00		
	1	+\$270.00	\$270.00	

- Fee for extra claims is not being paid at this time. (37 CFR 1.16(d))

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation \$1,448.00

### 6. Small Entity Status

- A verified statement that this filing is by a small entity:
- is attached
- has been filed in the parent application and such status is still proper and desired (37 CFR 1.28(a))

Filing Fee Calculation (50% of above) \$724.00

NOTE: Any excess of the full fee paid will be refunded if a verified statement is filed within 2 months of the date of timely payment of a full fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).  
(37 CFR 4.60(d), [4-3]—page 3 of 8)  
Amended 1.53(b)

**NOTE:** 37 CFR 1.28(a), last sentence states: "Applications filed under § 1.60 or § 1.62 of this part must include a reference to a verified statement in a parent application if status as a small entity is still proper and desired."

## 7. Drawings

- Drawings are enclosed  
 formal (copies of original drawings)  
 informal

**WARNING:** DO NOT submit original drawings. A high quality copy of drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards of § 1.84. If corrections to the drawings are necessary, they should be made to the original drawings and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1090 O.G. 57-62).

**NOTE:** "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page." 37 C.F.R. 1.84(c).

## 8. Priority—35 U.S.C. 119

- Priority of application Serial No. 0 / \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. 119. (country)  
 The certified copy has been filed in prior U.S. application Serial No. 0 / \_\_\_\_\_ on \_\_\_\_\_.  
 The certified copy will follow.

## 9. Relate Back—35 U.S.C. 120

- Amend the specification by inserting before the first line the sentence:

"This is a

- continuation  
 divisional  
of copending <sup>Continuation</sup>/application(s)  
 Serial number 09 / 069,057 filed on 4/28/98  
 International Application \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S."

**NOTE:** The proper reference to a prior filed PCT application which entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application which designated the U.S.

## 10. Inventorship Statement

**NOTE:** If the continuation or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation or divisional application. 37 CFR 1.60(b) [emphasis added].

(37 CFR 1.60(b) [4-3]—page 4 of 8)  
Amended 1.53 (b)

(complete appropriate items (a) and (b))

- (a) With respect to the prior copending U.S. application from which this application claims benefit under 35 USC 120 the inventor(s) in this application is (are):

(complete applicable item below)

- the same  
 less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

(type name(s) of inventor(s) to be deleted)

- (b) The inventorship for all the claims in this application are

- the same  
 not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

#### 11. Assignment

- The prior application is assigned of record to  
KEISER CORPORATION
- An assignment of the invention to \_\_\_\_\_

is attached. A separate  "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or  FORM PTO 1595 is also attached.

NOTE: "If an assignment is submitted with a new application, send two separate letters - one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

NOTE: When an assignee files a . . . divisional application (under . . . 1.60 . . .) reference may be made to a statement filed under 37 CFR 3.73(b) in the parent application, or a copy of that statement may be filed. Notice of April 30, 1993, 1150 O.G. 62-64.

#### 12. Fee Payment Being Made At This Time

- Not Enclosed  
 No filing fee is submitted. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently).
- Enclosed
- |  |                  |
|--|------------------|
| <input checked="" type="checkbox"/> basic filing fee   | \$ <u>724.00</u> |
| <input type="checkbox"/> recording assignment<br>(\$40.00; 37 CFR<br>1.21(h)) (See attached "COVER SHEET FOR AS-<br>SIGNMENT ACCOMPANYING NEW PATENT<br>APPLICATION".) |                  |
| <input type="checkbox"/> processing and retention fee<br>(\$130.00; 37 CFR 1.53(d)<br>and 1.21(l))   | \$ _____         |

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the (37 CFR 1.60(b) [4-3]—page 5 of 8)  
Amended 1.53(b)

basic filing fee must be paid or else the processing and retention fee of § 1.21(l) must be paid within 1 year from notification under § 53(d).

Total fees enclosed \$ 724.00

13. Method of Payment of Fees

- Enclosed is a check in the amount of \$ 724.00
- Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that is clear for which purpose the fees are paid. 37 CFR 1.22(b).

14. Authorization To Charge Additional Fees

**WARNING:** If no fees are being paid on filing do not complete this item.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claim charges are authorized.

- The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application to Account No. 23-3185
- 37 CFR 1.16 (a), (f) or (g) (filing fees)
- 37 CFR 1.16 (b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid on these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)) it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- 37 CFR 1.17 (application processing fees)

**WARNING:** While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a request or petition for extension is filed." [emphasis added]. Notice of November 5, 1985 (1060 O.G. 27).

- 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 CFR 1.311(b)).

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b)).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying or at the time of paying . . . issue fee." From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

15. Power of Attorney

- The power of attorney in the prior application is to  
Rodney K. Worrel

27,475

(Attorney) (Reg. No.)

- a.  The power appears in the original papers in the prior application.
- b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c.  A new power has been executed and is attached.
- d.  Address all future communications to

Amended 1.53(b)  
(37 CFR 1.60(b) [4-3]—page 6 of 8)

Rodney K. Worrel  
**WORREL & WORREL**  
**St. Croix Professional Center**  
**2109 W. Bullard Avenue, Suite 121**  
**Fresno, California 93711-1258**

(item d may only be completed by applicant, or attorney or agent of record)

16. Maintenance of Copendency of Prior Application

(This item must be completed and the papers filed in the prior application if the period set in the prior application has run.)

- A petition, fee ~~and response~~ has been filed to extend the term in the pending prior application until September 13, 2001

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the Continuation Application. Notice of November 5, 1985 (1060 O.G. 27).

- A copy of the petition for extension of time in the prior application is attached.

17. Conditional Petition for Extension of Time in Prior Application

(complete this item and file conditional petition in the prior application if previous item not applicable)

- A conditional petition for extension of time is being filed in the pending parent application.

NOTE: The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the paper constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

- A copy of the conditional petition for extension of time in the prior application is attached.

18. Abandonment of Prior Application (if applicable)

**WARNING:** (Do not complete this item if the application being filed is a divisional of the prior application which is not being abandoned)

NOTE: "A registered attorney or agent acting under the provisions of § 1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application when filing such a continuing application." 37 CFR 1.138.

- Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

19. Notification in Parent Application of the Filing of This Continuation Application

- A notification of the filing of this continuation is being filed in the prior ~~parent~~ application from which this application claims priority under 35 USC § 120.

20. Statement by Assignee (if applicable)

- In accordance with 37 CFR 3.73, I have reviewed the evidentiary documents establishing ~~my~~/our ownership of the application identified herein, and certify that to the best of ~~my~~/our knowledge and belief, title is with ~~me/us~~ who seek to take action.

- Assignment submitted herewith for recordal

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the

like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

August 31, 2001

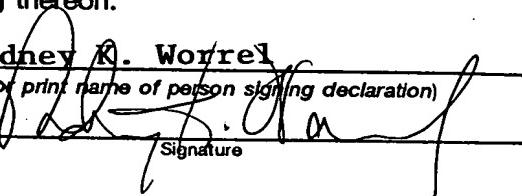
Date

2109 W. Bullard Av., Ste 121

(P.O. Address of Signatory)

Fresno, CA 93711-1258

Rodney R. Worrell  
(type or print name of person signing declaration)

  
Signature

Tel. No. : (559) 431-4391  
Reg. No. 27,475  
(if applicable)

- Inventor
- Assignee of complete interest
- Person authorized to sign on behalf of assignee
- Attorney or agent of record
- Filed under Rule 34(a)

(complete the following if applicable)

KEISER CORPORATION

(Type name of assignee)

2470 S. Cherry Avenue

(Address of assignee)

Fresno, California 93706

President

(Title of person authorized to sign on behalf of assignee)

Assignment recorded in PTO on  
March 15, 1995

Reel 7415  
Frame 675-679

The statement under 37 CFR 3.73(b)

- has been filed in the parent application.
- a copy of the statement previously filed in the parent application is attached.

(37 CFR 4.69(b)-[4-3]—page 8 of 8)  
Amended 1.53(b)

Attorney's Docket No. W-4001

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: DENNIS L. KEISER  
Serial No.: Group No.:  
Filed: Examiner:  
For: EXERCISING APPARATUS

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**EXPRESS MAIL CERTIFICATE**

"Express Mail" label number EM440646575US  
Date of Deposit August 31, 2001

I hereby certify that the following attached paper or fee

Petition And Fee For Extension Of Time; \$195.00 extension fee; Notification Of Filing Of Continuing Application (Continuation File No. W-3749); \$724.00 filing fee; Transmittal Of Filing Under 37 CFR Amended 1.53(b); copy of Notice Of Appeal (Continuation File No. W-3749); copy Notification Of Filing Of Continuing Application (Parent file No. W-3212); copy Petition And Fee For Extension Of Time (Parent file No. W-3212); copy of Transmittal Of Filing Under 37 CFR Amended 1.53(b) (Continuation File No. W-3749); a true and complete copy of what is shown in records to be the prior application including the oath or declaration originally filed and return cards.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Rodney K. Worrel

(typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

NOTE: Each paper must have its own certificate and the "Express Mail" label number as a part thereof or attached thereto. When, as here, the certification is presented on a separate sheet, that sheet must (1) be signed and (2) fully identify and be securely attached to the paper or fee it accompanies. Identification should include the serial number and filing date of the application as well as the type of paper being filed, e.g. complete application, specification and drawings, responses to rejection or refusal, notice of appeal, etc. If the serial number of the application is not known, the identification should include at least the name of the inventor(s) and the title of the invention.

NOTE: The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificate [8-3])

Attorney's Docket No. W-3749**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **DENNIS L. KEISER**Serial No.: 09 / 069,057Group No.: 3764Attorney No. 13173Filed: April 28, 1998Examiner: Victor HwangFor: **EXERCISING APPARATUS**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**COPY****NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed November 13, 2000 finally rejecting claims 6-9, 14, 18-24 and 50-58.

The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of

- other than a small entity.  
 a small entity.

A verified statement

- is attached  
 was already filed on April 28, 1998

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

- small entity ~~\$185.00~~ ~~\$155.00~~ \$155.00  
 other than a small entity ~~\$270.00~~ \$300.00

Notice of Appeal fee due \$ 155.00**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being:

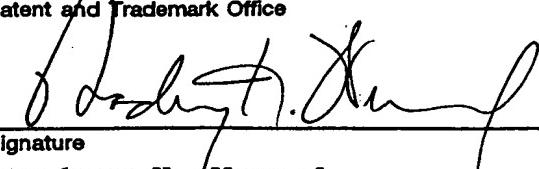
**MAILING**

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231  
Date: 5/11/01

**FACSIMILE**

- transmitted by facsimile to the Patent and Trademark Office

Signature

  
Rodney K. Worrel  
(type or print name of person certifying)

### 3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 CFR 1.191 are subject to the provision of § 1.136 for patent applications 37 CFR 1.191(d). (But see 37 CFR 1.645 for extension of time in interference proceedings and 37 CFR 1.550(c) for extension of time in reexamination proceedings).

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- (a)  Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

Extension <u>(months)</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$360.00	\$180.00
<input checked="" type="checkbox"/> three months	\$840.00	\$420.00
<input type="checkbox"/> four months	\$1,320.00	\$660.00
		Fee \$ 445.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$445.00

or

- (b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### 4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 155.00

Extension fee (if any) \$ 445.00

**TOTAL FEE DUE \$ 600.00**

### 5. FEE PAYMENT

Attached is a check in the sum of \$600.00

Charge Account No. \_\_\_\_\_ the sum of \$\_\_\_\_\_

A duplicate of this transmittal is attached.

(Notice of Appeal from the Primary Examiner to Board [9-6]—page 2 of 3)

09-04-01

A

(Ref.60-694 Pub.605)

FORM 4-9

4-99

Attorney's Docket No. W-3749 (Continuation)**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Continuation**In re application of: **DENNIS L. KEISER**Serial No.: **0 9 / 069,057**Group No.: **3764**Filed: **April 28, 1998**Examiner: **Victor Hwang**For: **EXERCISING APPARATUS****Commissioner of Patents and Trademarks**

Washington, D.C. 20231

August 31, 2001  
*#16/xx***NOTIFICATION OF FILING OF CONTINUING OR DIVISIONAL APPLICATION**

Notification is hereby being made of the filing of a:

- continuation  
 continuation-in-part  
 divisional

application for this case

- concurrently herewith  
 on \_\_\_\_\_

(date)

**SIGNATURE OF ATTORNEY****Reg. No. 27,475****Tel. No.: ( 559 ) 431-4391****Rodney K. Worrel**

(type or print name of attorney)

**2109 W. Bullard Av., Ste 121**

(P.O. Address)

**Fresno, CA 93711-1258****CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING** deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

37 CFR 1.8(a)

37 CFR 1.10

 with sufficient postage as first class mail. as "Express Mail Post Office to Addressee"Mailing Label No. **EM440646575US****TRANSMISSION** transmitted by facsimile to the Patent and Trademark Office.**Signature****Rodney K. Worrel**

(type or print name of person certifying)

**Notification of Filing of Continuing or Divisional Application [4-9]**

JC879 U.S. PTO  
09/94 5026  
08/31/01

Attorney's Docket No. W-3749 (Continuation)**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Continuation

In re/application of: DENNIS L. KEISER

Serial No.: 0 9 / 069,057 Group No.: 3764

Filed: April 28, 1998 Examiner: Victor Hwang

For: EXERCISING APPARATUS

Commissioner of Patents and Trademarks  
Washington, D.C. 20231**COPY****PETITION AND FEE FOR EXTENSION OF TIME (37 CFR 1.136(a))**

1. This is a petition for an extension of the time for a total period of two (2) months to September 13, 2001

for filing Continuation Patent Application

(Indicate matter being extended)

**NOTE:** "Extensions of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

**NOTE:** See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

2. A response in connection with the matter for which this extension is requested:

 is filed herewith. has been filed.**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Date: 8/31/01

as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number EM440646575US

(Petition and Fee for Extension of Time (37 CFR 1.136(a) [11-2]—page 1 of 3)

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office

Signature

Rodney K. Worrel

(type or print name of person certifying)

Attorney's Docket No. W-3212 (Parent)**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: DENNIS L. KEISER

Serial No.: 08 /405 ,494      Group No.: 3733  
 Filed: March 15, 1995      Examiner: Victor Hwang  
 For: EXERCISING APPARATUS      Bldg: CP2  
                                     Floor: 04      Room: B06

**COPY**

Commissioner of Patents and Trademarks  
 Washington, D.C. 20231

**PETITION AND FEE FOR EXTENSION OF TIME (37 CFR 1.136(a))**

1. This is a petition for an extension of the time for a total period of three (3) months to April 28, 1998

for filing Continuation Patent Application

(Indicate matter being extended)

NOTE:: "Extensions of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE:: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

2. A response in connection with the matter for which this extension is requested:

- is filed herewith.  
 has been filed.

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Date: 4/28/98

as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number

EM440646252US

(Petition and Fee for Extension of Time (37 CFR 1.136(a) [11-2]—page 1 of 3)

## FACSIMILE

- transmitted by facsimile to the Patent and Trademark Office

Signature

Rodney K. Worrel

(type or print name of person certifying)

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 CFR 1.136 and 1.137. To facilitate processing in such a case the petition for extension of time should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, 1031 O.G. 11-12.

- The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.

3. Applicant is

- a small entity. A verified statement:  
 is attached.  
 was already filed.  
 other than a small entity.

4. Calculation of extension fee (37 CFR 1.17(a)–(d)):

Total months requested	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 360.00	\$180.00
<input checked="" type="checkbox"/> three months	\$ 840.00	\$420.00
<input type="checkbox"/> four months	\$1,320.00	\$660.00
		Fee \$ <u>475.00</u>

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request

\$ 475.00

5. Extended period for response

Based on the extension requested in this petition (and that for which a previous petition has been filed, if any) the extended period for response will expire on April 28, 1998  
(date)

6. Fee Payment

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986; 1065 O.G. 31-33.

- Attached is a check in the sum of \$ 475.00  
 Charge Account 23-3185 for any additional extension and/or fee required or credit for any excess fee paid.

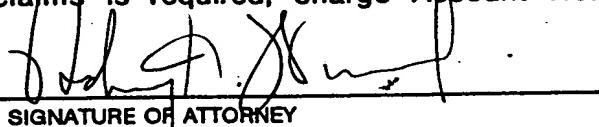
**6. FEE DEFICIENCY**

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

- If any additional extension and/or fee is required charge Account No.  
23-3185

AND/OR

- If any additional fee for claims is required, charge Account No.

  
SIGNATURE OF ATTORNEY

Reg. No.: 27,475

Atty No.: 13173

Tel. No.: (559) 431-4391

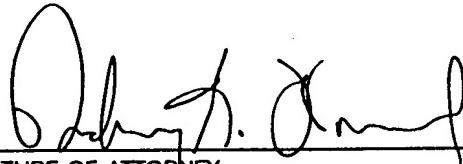
Rodney K. Worrel

(type or print name of attorney)

St. Croix Professional Center  
2109 W. Bullard Avenue, Suite 121P.O. Address  
Fresno, California 93711-1258

(Notice of Appeal from the Primary Examiner to Board [9-6]—page 3 of 3)

- Charge fee to Account No. \_\_\_\_\_ and this is a request to charge for any additional extension and/or fee required or credit for any excess fee paid. A triplicate copy of this petition is attached.



SIGNATURE OF ATTORNEY

Reg. No.: 27,475

Tel. No.: (209) 431-4391

Rodney K. Worrel

(type or print name of attorney)

St. Croix Professional Center  
2109 W. Bullard Av., Ste 121

(P.O. Address)

Fresno, California 93711-1258

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 CFR 1.136 and 1.137. To facilitate processing in such a case the petition for extension of time should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, 1031 O.G. 11-12.

- The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.

3. Applicant is

- a small entity. A verified statement:  
 is attached.  
 was already filed.  
 other than a small entity.

4. Calculation of extension fee (37 CFR 1.17(a)–(d)):

Total months requested	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 360.00	\$180.00 \$195.00
<input type="checkbox"/> three months	\$ 840.00	\$420.00
<input type="checkbox"/> four months	\$1,320.00	\$660.00
<b>Fee \$ <u>195.00</u></b>		

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request

\$ 195.00

5. Extended period for response

Based on the extension requested in this petition (and that for which a previous petition has been filed, if any) the extended period for response will expire on 9/13/01 (date)

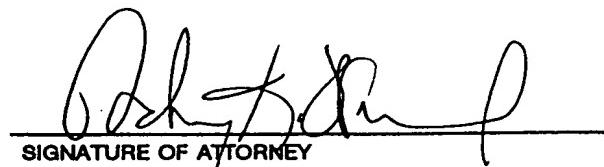
6. Fee Payment

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986; 1065 O.G. 31-33.

- Attached is a check in the sum of \$ 195.00  
 Charge Account 23-3185 for any additional extension and/or fee required or credit for any excess fee paid.

(Petition and Fee for Extension of Time (37 CFR 1.136(a) [11-2]—page 2 of 3)

- Charge fee to Account No. \_\_\_\_\_ and this is a request to charge for any additional extension and/or fee required or credit for any excess fee paid.  
A triplicate copy of this petition is attached.



SIGNATURE OF ATTORNEY

Reg. No.: 27,475

Tel. No.: (559) 431-4391

Rodney K. Worrel

(type or print name of attorney)

St. Croix Professional Center  
2109 W. Bullard Av., Ste 121

(P.O. Address)

Fresno, California 93711-1258

8100

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"008100" : 121133005: 2721000786"

A handwritten signature in black ink, appearing to read "Robert K. Thrall".

MP

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A handwritten signature in black ink, appearing to read "Robert K. Thrall".

MP

6326

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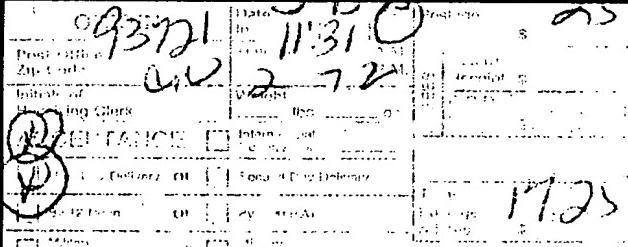
SEVEN HUNDRED SEVENTY-ONE &amp; 00/100

DOLLARS

FOR **W-3212**

006326 12133005 2721000786

TB659336337 US **POST OFFICE  
TO ADDRESSEE**

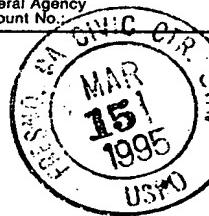


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90-4021/1211  
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5/11/01

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RP

MEMO Notice of Appeal/Extension W-3749

"010813" "1211402181" "0268371283"

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05/11/01 Bill #W-3749**

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MEMO extension fee W-3749

11000 1211402180 02683712830

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08/30/01 Bill #W-3749**

8/30/01

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**WESTAMERICA - extension fee W-3749**

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 FRESNO, CA 93711-1258

90-3300/1211

DATE 4/28/98

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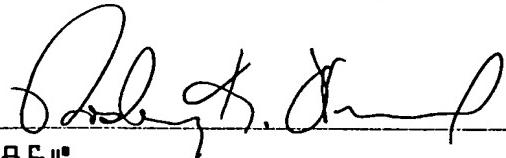
\$ 475.00

FOUR HUNDRED SEVENTY-FIVE AND NO/100-----

DOLLARS 

 Fresno Branch  
**ValliWide Bank**  
 1315 Van Ness Avenue, Fresno, CA 93721  
 FOR W-3212

#008099 1 2 1 1 3 3 0 5 2 7 2 1 0 0 0 7 8 6



Honorable Commissioner of Patents and Trademarks:

Application of DENNIS L. KEISER Filed: 3/15/95Serial No. 08/405,494 Docket No. W-3212 By r1Entitled: EXERCISING APPARATUS

The following, due 4/28/98 in the U.S. Patent Office,  
 has been received there on the date stamped hereon:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Affidavit                                 | <input type="checkbox"/> Declaration                                  | <input type="checkbox"/> Notice of Appeal                          |
| <input type="checkbox"/> Amendment                                 | <input type="checkbox"/> Oath or <input type="checkbox"/> Declaration | <input type="checkbox"/> Power of Attorney                         |
| <input type="checkbox"/> Assignment                                | <input type="checkbox"/> Priority Document                            | <input type="checkbox"/> Specification                             |
| <input type="checkbox"/> Brief                                     | <input type="checkbox"/> Claims                                       | <input type="checkbox"/> Disclosure Statement                      |
| <input checked="" type="checkbox"/> Check: Amount \$ <u>475.00</u> | <input type="checkbox"/> US/RO Fee Calculation Sheet                  | <input checked="" type="checkbox"/> Petition for Extension of Time |
| <input type="checkbox"/> Deposit Account Order Form                | <input type="checkbox"/> Small Entity Statement(s)                    | <input type="checkbox"/>   |
| <input type="checkbox"/> Drawings _____ Sheet(s)                   | <input type="checkbox"/>  | <input type="checkbox"/>   |
| <input type="checkbox"/> Issue Fee Transmittal                     | <input type="checkbox"/>  | <input type="checkbox"/>   |
| <input type="checkbox"/> Letter                                    | <input type="checkbox"/>  | <input type="checkbox"/>   |
| <input type="checkbox"/> Fee Address Indication Form               | <input type="checkbox"/>  | <input type="checkbox"/>   |
| <input type="checkbox"/> Maintenance Fee                           | <input type="checkbox"/>  | <input type="checkbox"/>   |
| <input type="checkbox"/>   | <input type="checkbox"/>  | <input type="checkbox"/>   |

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